

### **REMARKS**

Claims 1-9, 11 and 12 are pending. Claims 1-9, 11 and 12 are amended herein. Claim 10 has been canceled.

#### **Claim Amendments**

Claim 1 has been amended to claim an assembly comprising a safety cycle pedal and a cleat. Claims 2-7 have also been amended to recite an assembly instead of merely a safety cycle pedal, in order to agree with claim 1.

Claim 1 has further been amended to recite the following:

the cleat comprises a front catch which may be engaged under the first front attachment bar;

a front upper part of the pedal body is limited by *an inclined* front face;  
and

engagement of the front catch under the first front attachment bar is possible while a rear part of the cleat is at a distance above the first rear attachment bar and the stud is bearing against the inclined front face.

This claim language is supported by the original specification at page 7, lines 11-22, and by Figure 5 of the drawings, for example.

Claims 1, 8, 9, 11 and 12 have been amended to change the terms “a greater angular range” to “an angular range.”

No new matter has been added.

#### **Claim Rejections - 35 U.S.C. §112**

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-9, 11 and 12 under 35 U.S.C. §112, second paragraph, as being indefinite due to the use of the terms “a greater angular range” in claims 1, 8, 9 and 12. This term has been replaced with “an

angular range” in the claims at issue. Applicant therefore submits that claims 1-9, 11 and 12 now satisfy the requirements of 35 U.S.C. §112, second paragraph.

Claim Rejections - 35 U.S.C. §102

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 4, 5 and 7 under 35 U.S.C. §102(b) as being anticipated by Ueda (US 6,012,356).

Claim 1 has further been amended to recite the following:

the cleat comprises a front catch which may be engaged under the first front attachment bar;

a front upper part of the pedal body is limited by an inclined front face;  
and

engagement of the front catch under the first front attachment bar is possible while a rear part of the cleat is at a distance above the first rear attachment bar and the stud is bearing against the inclined front face.

Ueda does not teach or suggest all of these features. The Ueda patent does not relate to the problem addressed by the claimed invention, which is to make easier and quicker to attach the cleat to the pedal by allowing a greater angular range for clicking into the pedal (in other words, by allowing a clicking into the cleat while the rear part of the cleat is at a distance above the rear bar). The problem addressed by Ueda is to provide a clipless bicycle pedal which limits wobbling (see US 6 012 356 col. 2 lines 49-57 and col. 2 lines 12-33).

The Ueda clamping member 24 does not comprise an attachment bar similar to the attachment bar recited in the claimed invention. The attachment bar of the present application is similar to a rod having substantially the same cross section over its entire length. The cross section is preferably circular, but may be square or rectangular (see page 9, lines 37-39 and page 10, line 1). The structure of the bar is clearly shown by the drawings, especially Fig.2, Fig.3 and Fig.8. With such a bar, it is possible to introduce the front catch 20 of the cleat C under the front bar 5a (see enclosed Sketch I and Fig.5 of the application) even if the rear part 21 of the cleat C

is at a distance above the rear bar 13 a. This is possible because the front bar 5a does not have a flat horizontal extension forward; if such an extension were present (see Sketch III), it would interfere with the shoe sole. This interference would prevent any substantial incline of the shoe sole for catching the front hoop.

Another feature (combined with the hoop made of an attachment bar) necessary to allow a great angular range for clicking the cleat in between the hoops is the incline  $\beta$  of the front face 19a of the front upper part of the pedal body (see especially specification page 6, line 36-38 and page 7, lines 1-4). If there were not a front face 19a inclined toward the front, the stud 18 of the shoe sole would interfere with the surface of the pedal body, and would prevent any possibility of any substantial slant of the shoe sole for catching the front hoop.

As shown by Fig.5 of the present application, and as explained in specification page 7, lines 12-22, for the maximum angle of inclination of the sole S relative to the mid plane H of the pedal, the stud 18 bears against the inclined face 19a of the front part.

In the enclosed Sketches II and III (Fig. 2, Fig.3):

Sketch II corresponds to Fig. 2 of Ueda with the cleat 14 having its front catch introduced under the front clamping member 24, completed with the outline of the shoe sole with the stud; and

Sketch III shows on Fig.2 a hypothetical inclined position of the cleat relative to the mid-plane of the pedal body. (such an inclined position for clicking is prevented by two interferences as explained hereafter.)

As it appears from the Ueda specification and drawings (see particularly Figs. 12-17), the clamping member 24 is made of a metal sheet which is bent. The upper part of the clamping member is substantially flat with a median hump, having a longitudinal extension in front of its rear edge against which comes into abutment the front edge of the cleat. This part is not inclined as recited in claim 1. Due to this flat extension of the upper part of the clamping member, the front catch of the UEDA cleat 24 may be correctly introduced under said flat

extension, without interference of the shoe sole with said flat extension, only if the rear part of the cleat is very near to, or in contact with, the rear clamping member 24, as illustrated by Fig.2 of Ueda as well as by enclosed Sketch II.

Unlike the claimed invention, if the rear part of the cleat is at a distance above the rear clamping member 24, as illustrated by enclosed Sketch III, (modified Fig.2) there will be interference between the shoe sole and the substantially flat upper part of the clamping member, extending forward. Thus, the Ueda pedal does not allow a great angle for clicking in the cleat. Another reason that the Ueda pedal does not allow a great angle for clicking in the cleat is the lack of sufficient inclination of the front face of the pedal body. As illustrated by Fig. 2 of enclosed Sketch III, the sole stud (or sole pad) will interfere with the front edge of the Ueda pedal, and will not allow clicking in the cleat with a great angle of inclination.

Based on the preceding comments, Ueda does not anticipate the claimed assembly.

#### Claim Rejections - 35 U.S.C. §103

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 2 and 3 under 35 U.S.C. §103(a) as being obvious over Ueda.

Applicant notes that, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations.<sup>1</sup> Further, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure.<sup>2</sup>

Claims 2 and 3 depend from claim 1. Ueda fails to teach or suggest all of the elements of claim 1 for the reasons provided above. Additionally, with the problem addressed by Ueda

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<sup>1</sup> See MPEP §2143.

<sup>2</sup> *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) and *See* MPEP §2143.

being quite different from the problem addressed by the claimed invention, nothing in Ueda suggests modifying the Ueda pedal to obtain the assembly as defined by claim1.

For at least these reasons, claims 2 and 3 are allowable over Ueda.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 6 under 35 U.S.C. §103(a) as being obvious over Ueda in view of Beyl (EP 0572291).

Claim 6 depends from claim 1. Ueda fails to teach or suggest the invention of claim 1 for the reasons set forth above. Beyl fails to teach or suggest the elements of claim 1 that are absent from the Ueda disclosure. Therefore, the combination of Beyl and Ueda does not render claim 6 obvious.

#### Allowable Subject Matter

Applicant thanks the Examiner for the indication of allowable subject matter in claims 8, 9, 11 and 12. As these claims have been amended to overcome the cited §112 problems, these claims are now allowable.

#### ***Conclusion***

In view of the above amendment, applicant believes the pending application is in condition for allowance.

If a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 21029-00270-US from which the undersigned is authorized to draw.

Application No. 10/758,255  
Amendment dated April 30, 2007  
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Respectfully submitted,

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SKETCH I

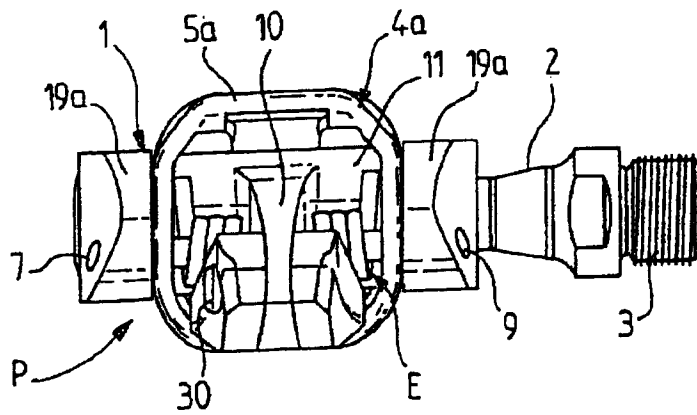
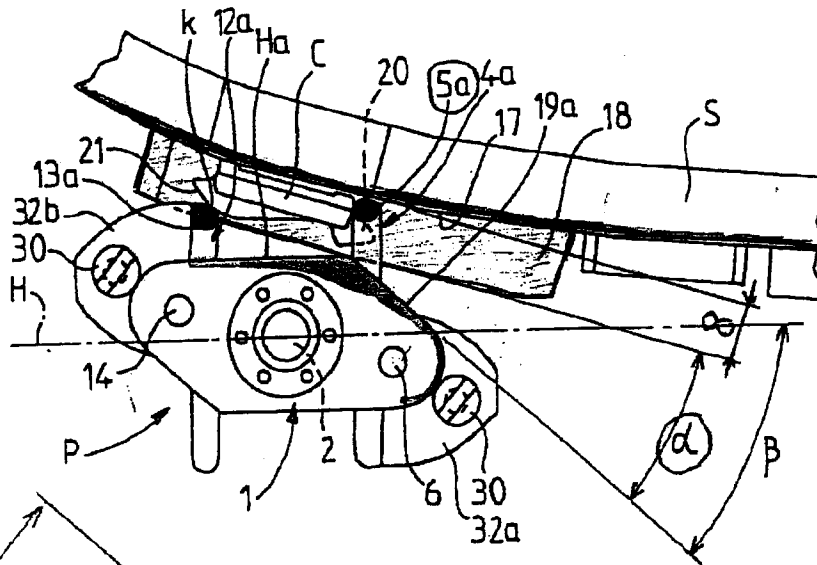
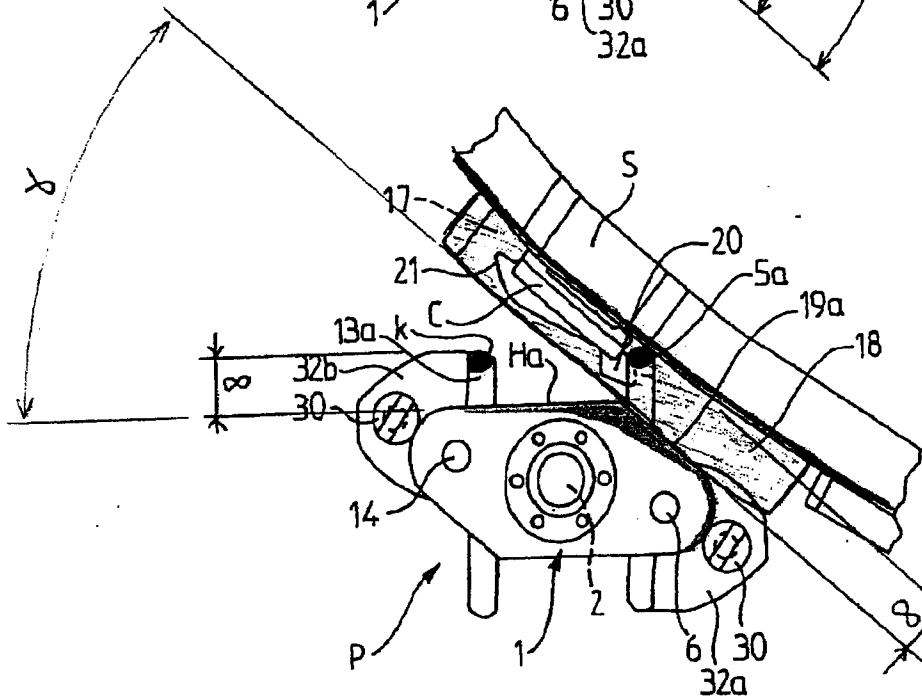


FIG. 3



[ 5a = round section

FIG. 4

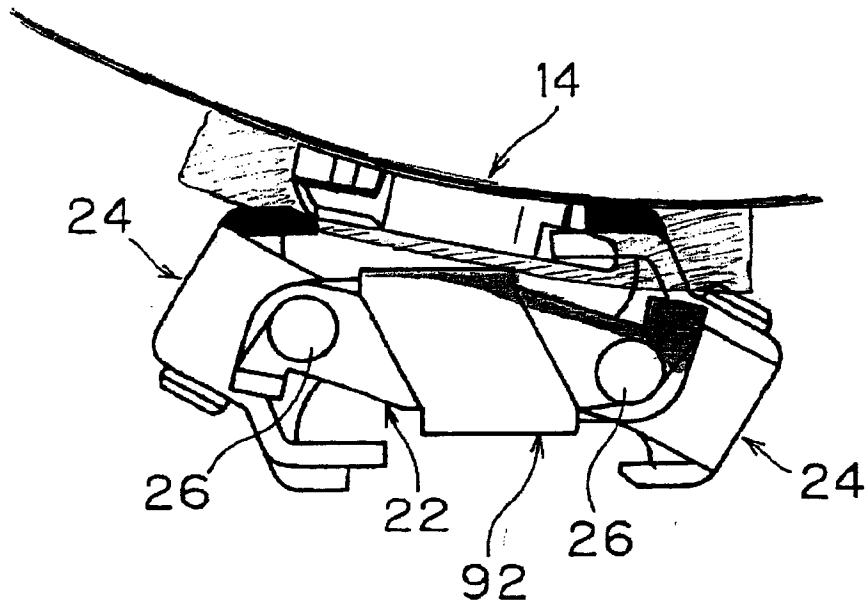


[ 8 mm = standard sole thickness dimension

FIG. 5

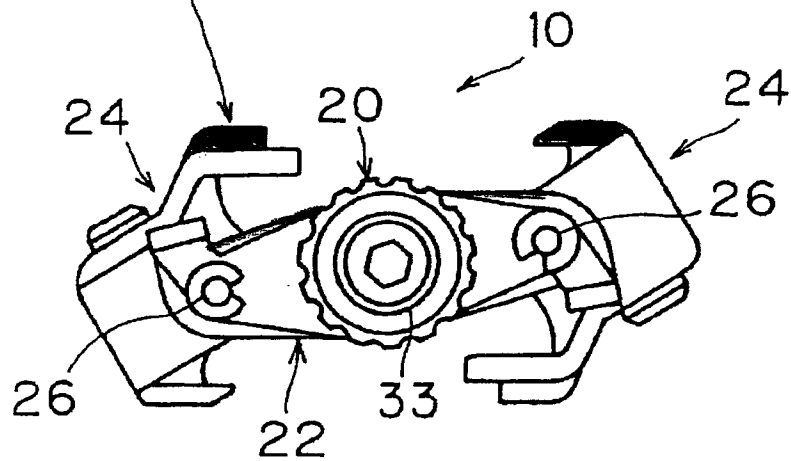
Fig. 2

SKETCH 2

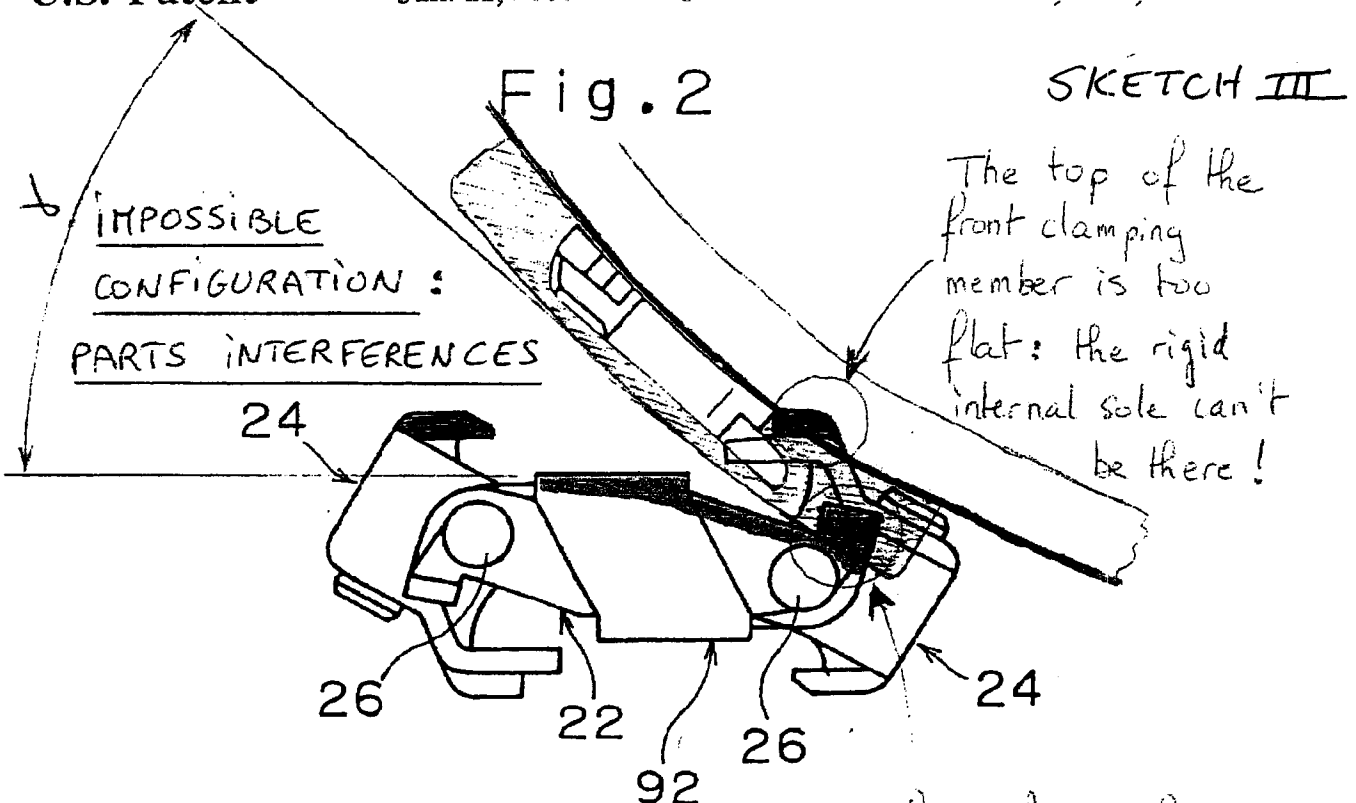


Flat section

Fig. 3







The front face of the body is not inclined downward enough: the sole pads can't be there!

Fig. 3

